

HOUSE SUBSTITUTE TO SENATE BILL 287

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so as to provide that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence; to provide for procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide for license suspension under certain circumstances; to provide that when a person reports that his or her instructional permit or driver's license has been lost, stolen, or forged, the department shall charge a fee for a replacement permit or license; to provide that the department shall offer such license or permit holder the option of being issued a replacement permit or license with a new number; to provide that the replaced number of the lost, stolen, or forged permit or license shall be either removed from the data base of valid permits and licenses or the number in the data base shall be marked as having been reported as lost, stolen, or forged and no longer valid; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1, relating to the fixing of sentence, by adding a new subsection to read as follows:

"(h) In sentencing any defendant convicted of a felony, other than a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42, the judge shall inform the defendant that his or her driver's license shall be submitted to the Department of Driver Services within 20 days of the date that the court imposed such sentence in order to have

a new driver's license issued with a demarcation for being a convicted felon and that failure to submit his or her license shall result in a license suspension. In the event that the defendant's driver's license is lost or for any other reason surrender is impossible, a sworn affidavit indicating the status of such license shall be submitted to the department. The court imposing such sentence shall forward, within three business days after such conviction, a copy of its order of the disposition of the case to the Department of Driver Services."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by revising subsection (a) of Code Section 40-5-31, relating to replacement permits or licenses, and adding a new subsection to read as follows:

"(a) In the event that an instruction permit or a driver's license issued under this chapter is lost or destroyed, the person to whom the same was issued may upon payment of the required fee and upon furnishing proof satisfactory to the department that such permit has been lost or destroyed:

(1) Obtain a new permit or license; or

(2) Obtain a replacement permit or license.

A new permit obtained under this Code section shall be obtained in the same manner and under the same conditions and limitations as provided in Code Section 40-5-24. A new license obtained under this Code section shall be obtained in the same manner and under the same conditions and limitations as provided in Code Section 40-5-32, relating to renewals of licenses. A first replacement permit or license obtained under this Code section shall be issued only for the remaining period for which the original permit or license was issued for a fee of \$5.00, and no examination or eyesight test shall be required to obtain such replacement permit. All subsequent replacement permits or licenses obtained under this Code section shall be issued only for the remaining period for which the original permit or license was issued for a fee of \$10.00, and no examination or eyesight test shall be required to obtain such replacement permit."

"(e) When a person to whom an instruction permit or driver's license has been issued reports to the department that such instruction permit or driver's license has been lost, stolen, or forged and requests a replacement permit or license, pays the required fee, and provides proof sufficient to the department that such permit or license has been lost, stolen, or forged, the department shall offer to issue a replacement permit or license as provided in this Code section with a new number. If the holder of the license or permit elects to have the department issue a replacement driver's license or permit with a new number, the

department shall either remove the previous permit or license number from the data base of valid permits and licenses maintained by the department or indicate in the data base that the permit or license associated with such number has been reported as lost, stolen, or forged and is no longer active or valid."

SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"40-5-38.

(a) Any person who has been convicted of a felony shall be issued a replacement driver's license for a fee of \$25.00 bearing a demarcation of 'convicted felon,' and such license shall be issued for the remaining period for which the original license was issued, and no examination or eyesight test shall be required to obtain such replacement license. Renewal licenses for such person shall bear such demarcation.

(b) The 'convicted felon' demarcation shall remain on the defendant's driver's license for the length of the defendant's sentence. If the defendant's sentence expires before the expiration of the license, the defendant may apply for a replacement license for a fee of \$25.00 which shall not bear such demarcation for the remaining period for which the original license was issued, and no examination or eyesight test shall be required to obtain such replacement license.

(c) The defendant shall submit his or her driver's license to the department as provided by subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and regulations governing such licenses."

SECTION 4.

Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, is amended by adding a new Code section to read as follows:

"40-5-57.4.

Any person who is convicted of a felony who fails to surrender his or her driver's license or submit a lost license affidavit in accordance with subsection (h) of Code Section 17-10-1 and Code Section 40-5-38 shall have his or her license suspended for the balance of his or her sentence. After the suspension period and after such person pays a restoration fee of \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department shall return such driver's license to such person."

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SECTION 5.

97 All laws and parts of laws in conflict with this Act are repealed.